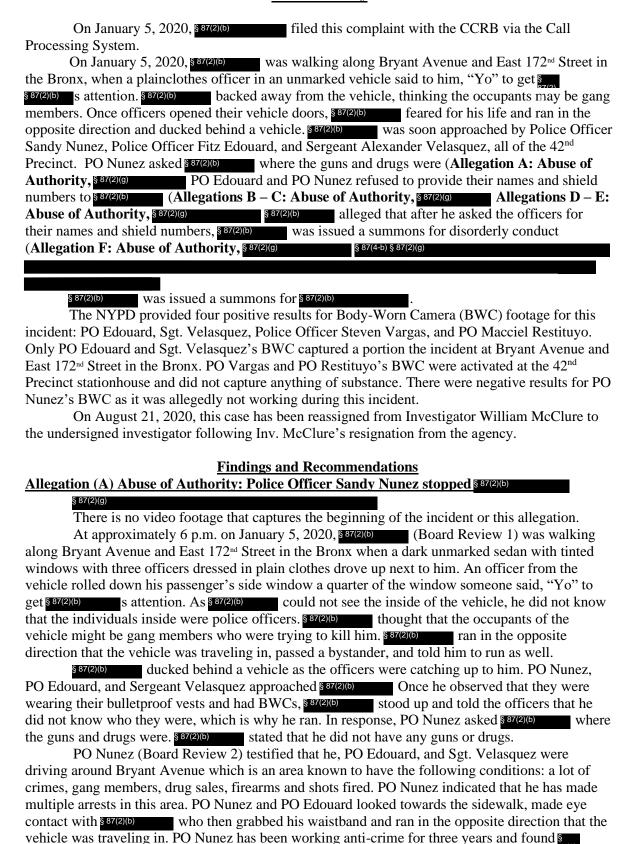
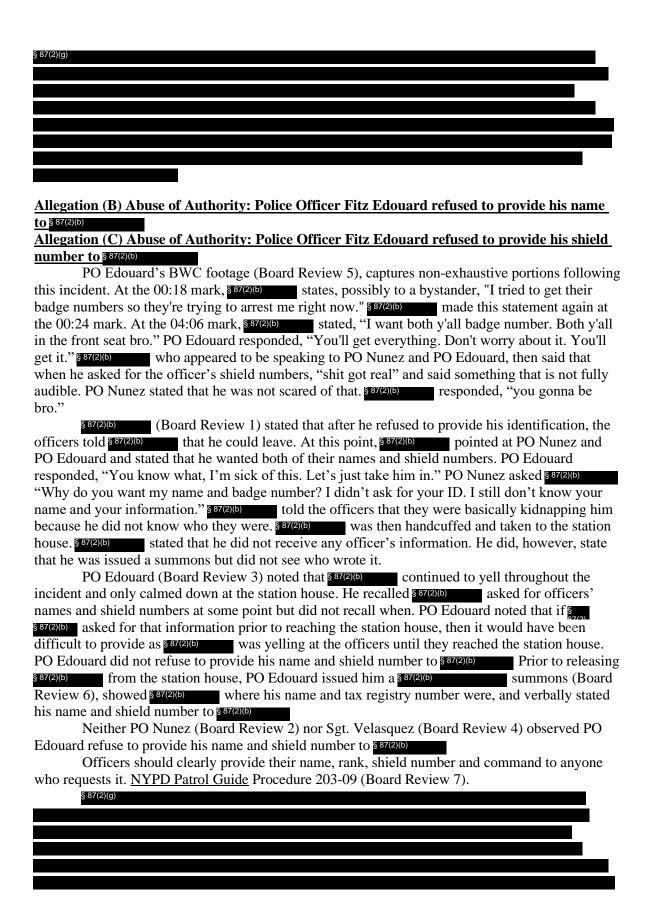
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Tahreem Khan		Squad #11	202000106	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	P	Precinct:	18	Mo. SOL	EO SOL
Sunday, 01/05/2020 6:00 PM		Bryant Avenue and Ea	st 172nd Street		42	1	7/5/2021	2/19/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rec	eived at CCF	RB
Sun, 01/05/2020 10:16 PM		CCRB	Call Processing System		Sun, 01/05	5/202	0 10:16 PM	
Complainant/Victim	Туре	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Fitz Edouard	04802	956616	042 PCT					
2. POM Sandy Nunez	10829	956134	042 PCT					
Witness Officer(s)	Shield N	Tax No	Cmd Name					
1. SGT Alexander Velasquez	4729	942659	042 PCT					
Officer(s)	Allegation	on			Inve	estig	ator Recon	nmendation
A.POM Sandy Nunez	Abuse: F	Police Officer Sandy Nur	nez stopped § 87(2)(b)					
B.POM Fitz Edouard	Abuse: F	Abuse: Police Officer Fitz Edouard refused to provide his name to [\$87(2)(5)]						
C.POM Fitz Edouard	Abuse: F	Abuse: Police Officer Fitz Edouard refused to provide his shield number to \$87(2)(6)						
D.POM Sandy Nunez	Abuse: F	Abuse: Police Officer Sandy Nunez refused to provide his name to §87(2)(b)						
E.POM Sandy Nunez	Abuse: F	Police Officer Sandy Number to § 87(2)(b)	nez refused to provid	le hi	is			
F.POM Fitz Edouard	Abuse: P § 87(2)(b)	Police Officer Fitz Edoua	ard issued a summon	is to				
§ 87(4-b) § 87(2)(g)								

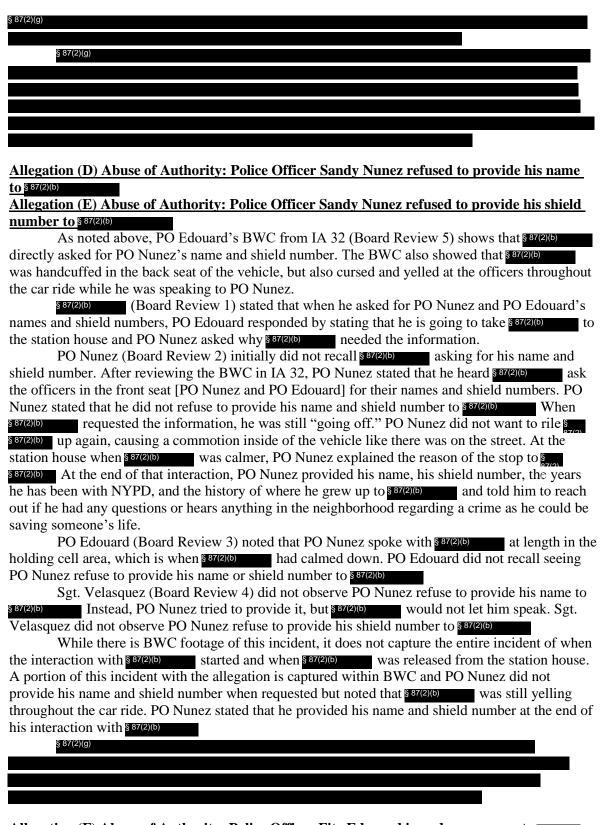
Case Summary



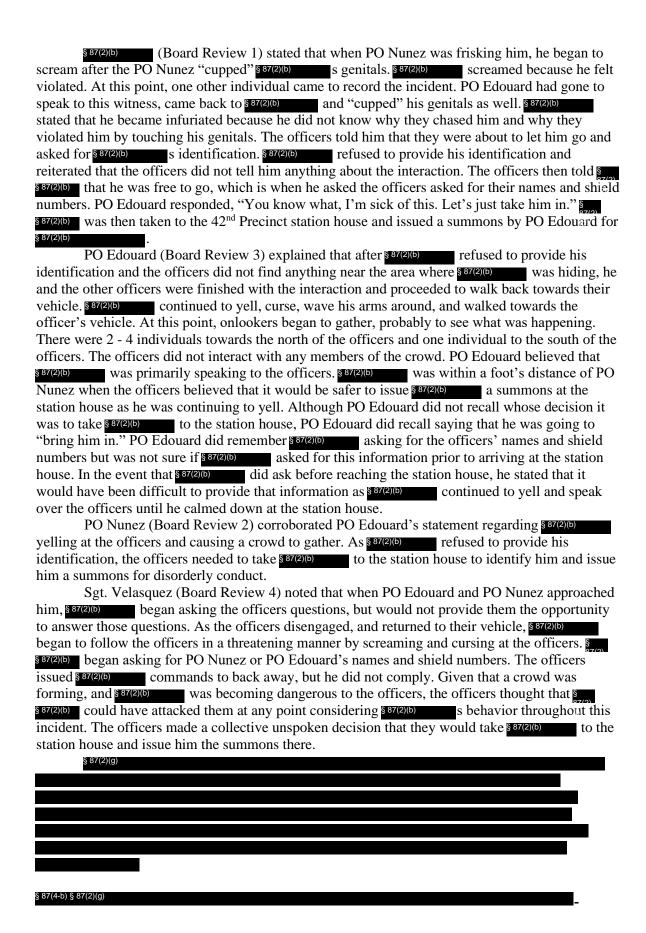
grabbing his waistband to be suspicious. In his experience, when someone does this action, it is possible that they have something like a weapon. PO Nunez did not mention observing a bulge around was waistband. Security and ducked behind a vehicle, which made his behavior even more suspicious to PO Nunez. PO Nunez believed that security which made his behavior even more suspicious to PO Nunez. PO Nunez believed that security was and who a gang member was, and he assumed security which made his colleagues were officers because he too grew up in a similar neighborhood and he knew who a police officer was and who a gang member was, and he assumed security with the sand his colleagues were officers because he too grew up in a similar neighborhood and he knew who a police officer was and who a gang member was, and he assumed security with did too. Once PO Nunez and PO Edouard approached security provide his name, and became very disrespectful towards the officers by yelling and cursing at them. Although PO Nunez could not recall what security was saying, he recalled security was stopped, but security and curse, not giving PO Nunez an opportunity to speak and did not listen to PO Nunez. PO Nunez did not recall asking security where the guns and drugs were. PO Edouard (Board Review 3) and Sgt. Velasquez (Board Review 4) corroborated PO Nunez's observation about security grabbing the front of his jacket and/or his waistband area, running from the officers, and ducking behind a vehicle, but did not recall observing PO Nunez ask security of the guns and drugs were. People v. De Bour, 40 NY2d 210 [1976]), ruled that officers may stop and forcibly detain an individual if there is reasonable suspicion of crime, whether that person has committed a crime, is currently committing a crime, or will commit a crime (Board Review 14). According to People v. Ingram, 114 A.D.3d 1290, 980 N.Y.2d 653 (2014), if innocuous or harmless behavior is found to have occurred in a high crime area, then that behavior alone would not provide a
As stated in <u>People v. Sainz-Mantilla</u> , 129 A.D.3d 508 (2015), states that in order to justify pursuit after flight, there must be evidence that the police officers were clearly identifiable, or that
the defendant recognized the police officers as members of law enforcement (Board Review 18). 887(2)(9)
\$ 87(2)(a)
§ 87(2)(g)



CCRB CTS – Confidential Page 3



Allegation (F) Abuse of Authority: Police Officer Fitz Edouard issued a summons to 887(2)(b)



§ 87(4-b) § 87(2)((g)
§ 87(4-b) § 87(2)((g)
	Civilian and Officer CCRB Histories
	has been a party to one other CCRB complaint and has been named as a victim two allegations (Board Review 9).
• P(otl	O Nunez has been a member of service for seven years and has been a subject in four her CCRB complaints, none of which have been substantiated.
	D Edouard has been a member of service for six years and has been a subject in two other CRB complaints, none of which have been substantiated.
	Mediation, Civil and Criminal Histories
• As	declined to mediate this case. s of March 16, 2021, no Notice of Claim request regarding this incident was filed with the ffice of the New York City Comptroller (Board Review 10).
• [§ 8]	7(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.:	11		
Investigator: _	Tahreem Khan Signature	Inv. Tahreem Khan Print Title & Name	December 17, 2021 Date
Squad Leader: _	Edwin Pena Signature	IM Edwin Pena Print Title & Name	
Reviewer: _	Signature	Print Title & Name	 Date